

Chapter 27 STORM WATER MANAGEMENT ORDINANCE*

***Editor's note:** Ord. No. 94-22, § 1, adopted May 2, 1994, enacted provisions pertaining to storm water management and designated as Ch. 27 herein set out. Words in brackets [] have been added by the editor for clarity.

Cross references: Buildings and building regulations, Ch. 6; fire protection and prevention, Ch. 10; hazardous waste management, Ch. 10.5; nuisances, Ch. 17; planning and development, Ch. 22; soil erosion and sedimentation control, Ch. 24; water, sewers and waste disposal, Ch. 29; zoning, Ch. 30.

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ARTICLE I. IN GENERAL

Sec. 27-1. Title.

This chapter shall be and is collectively referred to and cited as "The Storm Water Management Ordinance of Greensboro, North Carolina."

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-2. Purposes.

The purpose of this chapter is to protect and promote the public health, safety and welfare by preventing the introduction of potentially harmful materials into the city storm sewer system; to protect property from potential storm water damage; to maintain and enhance water quality; and to meet the requirements in the City of Greensboro's National Pollutant Discharge Elimination System Permit for Storm Water Discharges.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-3. Objectives.

[The objectives of this chapter are the following:]

- (1) To provide for the enforcement of the city's storm water quality management program;
- (2) To reduce the discharge of pollutants to the storm sewer system to the maximum extent practicable by requiring, where appropriate, the use of best management practices, structural and/or nonstructural storm water quantity and quality control measures and other provisions;

- (3) To provide for the inspection and proper maintenance of structural and nonstructural storm water controls and the municipal separate storm sewer;
- (4) To prohibit non-storm water discharges to the city storm sewer and require the removal of illicit connections to the city storm sewer;
- (5) To prevent improper disposal of materials that degrade water quality;
- (6) To permit sampling and monitoring for pollutants such as those associated with illicit discharges, improper disposal, industrial and construction activities, and the application of pesticides, herbicides, and fertilizers; and
- (7) To reduce erosion associated with storm water runoff.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-4. Jurisdiction.

The provisions of this chapter shall apply to all the territory encompassed in the City of Greensboro, North Carolina and shall govern the development and use of land and structures therein.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-5. Authority.

This chapter is adopted pursuant to the following authorities in NCGS: Chapter 15 (Criminal Procedure), Chapter 113A (Pollution Control and Environment), Chapter 130A (Public Health), Chapter 160A (Cities and Towns).

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-6. Abrogation.

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-7. Definitions.

[For the purposes of this chapter, the following words and terms shall have the meaning ascribed thereto:]

Best management practice (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. (Ref: Section 30-2-2.2)

Built-upon area. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: wooden

slatted decks and the water area of a swimming pool are not considered built-upon area.)

Connection. Any ditch, pipe, or other device for the diversion or transmission of storm drainage which will in any way affect the operation or maintenance of the city storm sewer.

Conveyance. Any feature of the landscape or earth, manmade or natural, that carries water in a concentrated flow.

Developer. A person engaged in land, site, or building development. (Ref: Section 30-2-2.7.)

Discharge. Additions of pollutants into waters of the United States from: Surface runoff which is collected or channelled by man; discharges through pipes, sewers, or other conveyance owned by a stated municipality, or other person which does not lead to a treatment works; and discharges through pipes, sewers, or other conveyance, leading into privately owned treatment works. (Ref: 40 CFR 122.2)

Ditch/swale. Open channel that infiltrates and/or transports runoff waters.

Drainage. The flow of runoff into a conveyance.

Drainage easement. An easement which grants to the city council the right to maintain conveyances of drainage structures. (Ref: Section 30-2-2.4)

Easement. A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity. (Ref: Section 30-2-2.4)

Erosion. The wearing away of land surface by the action of wind, water, gravity, or any combination thereof. (Ref: Section 30-2-2.5).

Garbage. Animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto. (Ref: Section 25-1).

Having control over. Shall mean but not be limited to any person using, transferring, storing, or transporting a hazardous material immediately prior to release of such hazardous material on the land or into the air or the waters of the city. (Ref: Section 10-33)

Hazardous material. Any substance which, when discharged in any quantity, may present an eminent and substantial danger to the public health or welfare or to the environment. (Ref: Section 10-33)

Hazardous material response. The sending of fire department equipment to abate hazardous materials which endanger the health or safety of persons or the environment. (Ref: Section 10-33)

Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities. (Ref: 40 CFR 122.26(b) (2))

Impervious surface. An area composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious area shall include but are not limited to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or

asphalt streets, crushed stone and gravel surfaces.

Municipal separate storm sewer. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains). (Ref: 40 CFR 122.26(b) (8))

National Pollutant Discharge Elimination System (NPDES). A permitting system established by Section 402 of the Clean Water Act. Permits are issued by the State of North Carolina for discharges directly to the surface waters of the state.

New development. Any activity for which a building permit or a grading permit is required, or any of the following without regard to a permit requirement: clearing, stripping, dredging, grading, excavating, transporting, and filling of land.

Outfall. A point source at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two (2) municipal separate storm sewers; or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States. (Ref: 40 CFR 122. 25(b) (9))

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or their legal representative agents or assigns.

Preliminary plat. A map indicating the proposed layout of the subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in Appendix 2 (Map Standards) (Ref: Section 30-2-2.7.)

Refuse. Solid waste, including but not limited to garbage, rubbish and ashes. (Ref: Section 25-1.)

Riparian buffer or stream buffer. An area of native or non-native woody vegetation adjacent to a stream or other natural conveyance of water or storm water.

Soil erosion and sedimentation plan. The graphic plan, including narrative where appropriate, required by the development ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation. (Ref: Section 30-2-2.5.)

Substantial redevelopment. An increase or change in impervious area that impacts the municipal storm sewer system.

Storm water. Storm water runoff, snow melt runoff, and surface runoff and drainage. (Ref: 40 CFR 122.26(b) (13))

(Ord. No. 94-22, § 1, 5-2-94; Ord. No. 00-225, § 1, 12-5-00)

Sec. 27-8. Acronyms.

[The following acronyms are used in this chapter:]

ABEQ--Advisory board for environmental quality.

BMP--Best management practice.

CFR--Code of Federal Regulations.

DEHNR--Department of Environmental, Health, and Natural Resources.

DEM--Division of environmental management.

GWA--General watershed areas.

NCGS--North Carolina General Statutes.

NPDES--National pollutant discharge elimination system.

SWPPP--Storm water pollution prevention plans.

SWQMP--Storm water quality management program.

WCA--Watershed critical area.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-9. Right-of-entry.

- (a) The city manager or his designee shall have right-of-entry on or upon the property of any person subject to this chapter and any permit/document issued hereunder. The city manager or his designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this chapter.
- (b) Where a person has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (c) The city manager or his designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.
- (d) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the city manager or his designee. The costs of clearing such access shall be borne by the person.
- (e) The city manager or his designee may inspect the facilities of any user in order to ensure compliance with this chapter. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused the city manager or his designee may seek issuance of an administrative search warrant.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-10. Assessments.

- (a) Property owners of single-family homes, townhouses and condominium properties can request that city council approve a resolution that allows storm water improvement costs to be assessed against the property as a lien.

- (b) The city council shall determine which storm water improvements inside the city shall be provided and the type of solution, either piping or non-piping, for the improvement. The council shall likewise determine the amount of construction cost to be borne by the abutting property owners and the amount to be borne by the city.
- (c) The assessment formula for storm water improvements using a piping solution shall be set at a rate that recovers one hundred (100) percent of the construction cost, including engineering, labor and materials of a fifteen-inch storm water pipe or a rate not to exceed fifty (50) percent of the total project cost, whichever is less. The assessment formula for storm water improvements using a non-piping solution shall be set at a rate of ten (10) percent of the cost, including engineering, labor and materials. The assessment rate will be reviewed for any necessary adjustments once a year in coordination with the annual budget process.
- (d) Upon receiving notice of completion of a stormwater management project, city council shall confirm all assessment obligations in said project and shall call for advertisement of same in a local newspaper published at least weekly and which is generally available to Greensboro citizens. Such advertisement shall run within forty-five (45) days following the date of confirmation and shall inform that all listed assessment obligations may be fully satisfied, without interest, if payment-in-full of the total principal balance is received by the tax collector within ninety (90) days following the date of confirmation.
- (e) Assessment accounts not paid in full within ninety (90) days following the confirmation date shall be scheduled for payment in substantially equal installments, plus interest on the whole unpaid principal balance. Such interest shall be computed from the date of confirmation at a rate fixed in the assessment resolution, with said rate not exceeding the maximum allowed by law. The first installment shall become due and payable no later than one (1) year (three hundred sixty-five (365) days) following confirmation, with subsequent installments being due and payable on the regular and sequential cycle of the installment frequency (monthly, quarterly, semi-annually or annually) elected by the obligee(s) and with the final installment being due and payable by not later than one hundred twenty (120) months after the confirmation date.

If the obligee expresses no preference as to payment frequency the assessment obligation will be scheduled for payment in ten (10) annual installments. Upon approval of the tax collector, the frequency of payment for existing assessment accounts may be changed for the economic and budgetary convenience of the obligee, with the first such change being granted without charge and with subsequent changes being granted with a transaction fee of thirty-five dollars (\$35.00).

- (f) At any time after the first ninety (90) days in the life of an assessment account the full principal balance may be paid in full with all accrued interest and without early payoff penalty.

(Ord. No. 99-97, § 1, 6-15-99; Ord. No. 00-46, § 1, 3-7-00; Ord. No. 02-103, § 1, 6-18-02)

Secs. 27-11--27-20. Reserved.

ARTICLE II. COMMERCIAL AND RESIDENTIAL

Sec. 27-21. New development.

(a) *Drainage.*

- (1) It shall be the duty of all property owners, in order to abate and prevent nuisances resulting from improper drainage, to provide at their own expense a proper and adequate drainage system of their respective premises, such drainage system to conform to the design established by the city. (Ref: Section 29-30)
- (2) Rainwater leaders shall not extend beyond the building or property line, but shall be built in chases or on the inside of the wall, and shall not empty on any street or sidewalk. (Ref: Section 6-27)
- (3) No person shall construct or install any ditch, pipe or other device for the diversion or transmission of storm drainage which will in any way affect the operation or maintenance of city street, water, sanitary sewer or storm sewer facilities without a permit issued by the city manager or his designee upon a finding that such city facilities will not be adversely affected by such construction or installation. (Ref: Section 29-29)

(b) *Subdivisions.*

(1) Requirements.

- a. For drainage requirements refer to Chapter 30 Zoning, Planning and Development, Article VI, Subdivisions: Procedures and Standards, section 30-6-13.7., Drainage.
- b. Street and utility construction plans for all street, water, sanitary sewer, and storm sewer facilities shall be submitted to the city following preliminary plat review but shall not be reviewed until the street and utility network on the preliminary plat has been found generally satisfactory by the technical review committee. For each subdivision section, the street and utility construction plans shall include all improvements lying within or adjacent to that section, as well as all water, sanitary sewer, and storm sewer lines lying outside that section and being required to serve that section. No street and utility construction plans shall be approved until the preliminary plat has been approved. (Ref: Section 30-6-8.1)

(2) Maintenance.

- a. Rights-of-way and easements. The approval and recordation of a plat constitutes dedication to and acceptance by the city and the public of the right-of-way of each public street, alley or utility or drainage easement shown on such plat. The approval and recordation of a plat does not constitute acceptance of maintenance responsibility within such right-of-way or easement. Improvements within such rights-of-way or easements, such as utility lines, street paving, drainage facilities, or sidewalks, may be accepted for maintenance by the city council or by the

administrative officer authorized to inspect and, where appropriate, accept the dedication of such improvements. (Ref: Section 30-6-3.3(A))

- b. In accordance with city policy the developer shall be responsible for establishing proper connections with existing storm sewer lines and shall bear ultimate responsibility for the correction of any problems associated with that connection. (See Greensboro's Roadway and Utility Design Manual)
- (c) *Soil erosion and sedimentation control.*
 - (1) *Incorporation of section 30-7-4 (Soil Erosion and Sedimentation Control).* This section incorporates by reference the requirements of section 30-7-4, Soil Erosion and Sedimentation Control.
- (d) *Water supply watershed districts.*
 - (1) *Incorporation of section 30-7-1 (Water Supply Watershed Districts); section 30-7-2 (General Watershed Areas); section 30-7-3 (Watershed Critical Areas).* This section incorporates by reference the requirements of section 30-7-1, Water Supply Watershed Districts; section 30-7-2, General Watershed Areas; section 30-7-3, Watershed Critical Areas.
- (e) *Additional requirements.*
 - (1) Parking lot construction and paving. No new parking lot, loading dock construction, or the construction of similar structures or the grading/or paving of existing parking lots, loading docks, or similar structures shall be undertaken until the developer obtains a permit from the city. The site shall be inspected before, during and after construction. Any violation of the permit shall result in permit revocation and cessation of construction until the violations are corrected.
 - (2) *Stormwater management.* The design, construction, and maintenance of stormwater improvements to meet the requirements of section 27-22 or section 30-7 shall be according to the City of Greensboro Stormwater Management Manual under the specifications and requirements as set out by the city manager and on file in the office of the city clerk, which specifications and requirements are hereby adopted and made a part of this chapter as if set out in full.
 - (3) Reserved for: Development Policy Manual.
 - (4) Responsibility of property owner. It shall be the responsibility of the property owner to correct drainage controls on individual properties that do not function properly or are not constructed according to their design.
 - (5) New storm sewer design and construction. All new storm sewers shall be constructed according to the City of Greensboro Storm Sewer Design Manual.

(Ord. No. 94-22, § 1, 5-2-94; Ord. No. 00-54, §§ 3--6, 4-4-00)

Sec. 27-22. Stormwater management control requirements.

(a) *Purpose.*

- (1) The purpose of the "Stormwater Management Control Ordinance" is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with new development or redevelopment within the City of Greensboro. Proper management of stormwater runoff, including the provision of appropriate stream buffers, will minimize damage to public and private property, promote a functional storm drainage system, reduce local flooding and drainage problems, and maintain, to the extent practicable, the pre-developed stormwater runoff characteristics of the developed site.

(b) *Applicability.*

- (1) *Coverage.* This section (Stormwater Management Control Requirements) applies to the following type of developments.
 - a. All sites containing new development and/or redevelopment including grading, paving, gravel placement, and construction of buildings and other structures within the corporate limits and the extraterritorial jurisdiction of the City of Greensboro.
 - b. The construction and installation of new public improvements by local government agencies shall comply with the provisions of this article to the extent practicable.

(c) *Participation in a regional stormwater management facility.*

- (1) *Where permitted.* Where a regional stormwater management facility has been established by one (1) or more local governments, or by an authority operating on behalf of one (1) or more local governments, a development may participate in said program in lieu of any certification of runoff control required by this article, provided that:
 - a. Runoff from the development drains to an approved existing or proposed public regional stormwater management facility that will be operational within two (2) years;
 - b. Participation is in the form of contribution of funds, contribution of land, contribution of stormwater management facility construction work, or a combination of these, the total value of which shall be in accordance with fee schedule adopted by the City Council; and
 - c. The technical review committee finds that the stormwater management plan is in compliance with all other applicable requirements of this article.
- (2) *Use of contributions.* Each contribution from a development participating in a regional stormwater management facility shall be used for acquisition, design, construction or maintenance of one (1) or more such facilities in the same watershed in which the development is located.

(d) *Stormwater management plan.*

- (1) *Plan required.* A stormwater management plan and separate

maintenance plan in accordance with the requirements of this article shall be submitted to the enforcement officer and shall include all applicable information listed in the Stormwater Management Manual and the Storm Sewer Design Manual. The stormwater management plan may be combined with any required watershed development plan.

- (2) *Plan approval.* The technical review committee is authorized to approve the stormwater management plan, which is in conformance with the requirements of this article. Approval of the stormwater management plan must be as follows:
 - a. *Site plans:* The stormwater management plan and separate maintenance plan must have approval prior to or concurrent with site plan approval.
 - b. *Preliminary subdivision plats:* The stormwater management plan must have approval prior to or concurrent with preliminary subdivision plat approval except that when a stormwater management improvement is proposed, the construction plan details including proposed grading, dimensions, calculations, etc. for the proposed improvement and the separate maintenance plan may be approved following preliminary subdivision plat approval. The construction plan details and separate maintenance plan must be approved prior to issuance of any permits as specified in section 27-22(d)(3).
 - (3) *Approved plan a prerequisite.* The enforcement officer is not authorized to issue any permits, except as provided in section 30-3-4.2 (Permits Issued Prior to Site Plan or Preliminary Plat Approval) of the Greensboro Development Ordinance, for development on any land unless and until a stormwater management plan, that is in compliance with the requirements of this section, has been approved.
 - (4) *Plan certification requirement for structural stormwater management improvements.* Where a structural stormwater management improvement is required for a development to meet the requirements of this article, a North Carolina licensed professional engineer shall sign and seal a certification on the plan that the plan meets all stormwater management requirements of this section.
- (e) *Stormwater management improvements.*
- (1) *Construction of improvements.*
 - a. The construction of all structural stormwater management improvements, shown on an approved stormwater management plan shall be substantially completed prior to final plat recordation or issuance of any building certificate of compliance. Upon approval by the enforcement officer, a surety for the completion of stormwater management improvements may be given to the City of Greensboro in order to record the final plat.
 - b. Final approval of the installed stormwater management improvements is required at the time of issuance of the final building certificate of compliance. If neither a building permit nor a

grading permit is required for a site, then the installation of the required structural stormwater management improvements shall be substantially completed or a surety for completion must be obtained prior to installation of any built-upon area on the site. An engineer's certification of completion of the form below (which is identical to Table 30-7-1-6 of the Greensboro Development Ordinance), shall be required prior to final approval by the enforcement officer.

Table 30-7-1-6

ENGINEER'S CERTIFICATION OF
STORMWATER CONTROL COMPLETION

The engineer's certification, required according to section 30-7-1.6(B) of the Greensboro Development Ordinance and section 27-22(e) of the Stormwater Management Ordinance upon completion of permanent stormwater control structures, shall be of the following form:

ENGINEER'S CERTIFICATION OF
STORMWATER CONTROL COMPLETION

I certify that, pursuant to generally accepted engineering standards in the community, it is my professional opinion that the permanent stormwater control(s) labeled as _____ on this plat (or on (name of plat)) as recorded in PB _____, PG _____ in the Office of the Guilford County Register of Deeds) has been completed in conformance with the plans and specifications approved on (approval date), has its full design volume available, and is functioning as designed.

P.E. _____ SEAL _____
SIGNATURE _____
DATE _____

- (2) *Recordation of permanent improvements.* All permanent stormwater management improvements and associated access/maintenance easement(s) shall be recorded on a final plat, and if required by section 27-22(e)(3), a mechanism to ensure their maintenance shall be established concurrent with or prior to plat recordation.
- (3) *Maintenance responsibility.*
 - a. When a stormwater management improvement serves more than one (1) parcel, an owners' association or binding contract for the purpose of maintenance is required. See section 30-6-10.1, Establishment of Owners' Association, of the Greensboro Development Ordinance.
 - b. The owner or owners' association shall be responsible for maintaining the completed stormwater management improvement as directed by the governmental office having jurisdiction for stormwater management or by the approved maintenance plan. If

an owners' association is responsible for the maintenance of the stormwater management improvements such responsibility must be stated in the association declaration. An underground oversized storm sewer system which is approved through TRC for acceptance and maintenance by the city, carries public waters and is located either in the dedicated street right-of-way or drainage maintenance and utility easement is exempt from this requirement.

- c. The enforcement officer has the authority to inspect stormwater management improvements and to notify the responsible property owner or owners' association when maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, the city may perform such maintenance or repairs and recover all costs attendant thereto from the property owner or owners' association.

(f) *Stream protection requirements.*

(1) *Stream channelization/piping.*

- a. Perennial streams, as defined by the Stormwater Management Manual, within a designated water supply watershed may not be channelized or piped, except for channelization permitted pursuant to section 30-7-1.8(C), Stream Channelization.
- b. Perennial streams that are outside of a designated water supply watershed and other streams that are not classified as perennial may be channelized or piped, but only after obtaining all applicable federal and state permits and certifications.

(2) *Stormwater management stream buffers.* On any streams where section 30-7-1.8, Stream Buffer Required, requires a stream buffer, this section will require the same buffer. On all other streams, or section of streams, to which this section applies, stream buffers with minimum widths as specified below shall be maintained along all open (1) perennial streams, as defined by the Stormwater Management Manual, and (2) drainage channels draining an area equal to or larger than fifty (50) acres.

- a. The buffer shall consist of two (2) strips of land totaling a minimum total width of fifty (50) feet on each side of the water body:

The first strip of land has a minimum width of fifteen (15) feet measured horizontally from and perpendicular to the top of stream bank, or the top of slopes steeper than fifteen (15) percent, or the edge of contiguous sensitive areas (i.e. wetlands). This first strip of land and the area between this first strip of land and the first strip of land on the other side of the water body is to be maintained free from development including disturbance of the soil, grading or filling, erection of structures, fences or placement of built-upon surfaces except those associated with street

and driveway crossings, utility crossings, and installation of stormwater management facilities where no practicable alternative exists.

The second strip of land has a minimum width of thirty-five (35) feet measured horizontally from and perpendicular to the landward edge of the first strip of land. This second strip of land is to be maintained free from occupied structures and shall maintain a built-upon area below fifty (50) percent with the exception of public or private street crossings.

(g) *Stormwater management requirements.*

(1) Stormwater management requirements for all new development and redevelopment shall consist of, as a minimum, runoff control measures necessary to control runoff to a level which will not cause increased off-site quantity problems as specified in (2) and (3) below.

(2) *Quantity control requirements.*

- a. The engineer shall provide a certification that said development or redevelopment would not cause increased offsite flooding, drainage, or erosion problems. Determination of impacts shall be based on hydrologic and hydraulic engineering studies extending downstream to a point where the proposed site development or redevelopment represents less than ten (10) percent of the total drainage area or watershed. The studies shall be based on an analysis of both two- and ten-year storm events. (see Stormwater Management Manual).
- b. Where it is determined that the development of the said site does contribute to flooding, drainage or soil erosion problems at any location between the proposed development site and the ten (10) percent downstream point then stormwater quantity control improvements must be implemented. The stormwater quantity control improvements must limit the two-year and ten-year post-development peak discharge rates to pre-development peak discharge rates, to minimize increased flooding, drainage, and erosion problems. These improvements may consist of nonstructural approaches such as natural swales, depressions in the land and other natural approaches, or structural approaches such as detention structures (wet and dry basins), extended detention facilities and alternative best management practices with provisions for stormwater quantity control. A combination of nonstructural and structural approaches is encouraged.
- c. For stormwater management improvements that are proposed to be implemented to meet the quantity control requirements of this section, a hydrologic-hydraulic analysis of the site drainage system in the pre-development condition and the post-development condition shall be performed. The analysis should be included with the stormwater management plan and should demonstrate that the quantity control requirements stated in section 27-22(h)(2) will be achieved by the proposed improvements. These improvements shall be subject to review

and approval by the enforcement officer.

- (3) Developments that meet the requirement for being identified as an integrated multiple use developments, planned unit developments, phased developments or group developments can meet the requirements of section 27-22(g) at the point the discharge leaves the overall property.
- (h) *Master plan requirements.* It is the intent of the City of Greensboro to produce stormwater quantity and quality management master plans to guide the design and development of the drainage system for all of the major sub-watersheds and watersheds in the city. Where such master plans are available and approved by the city council, site development projects are to conform to the stormwater management guidance and standards available in said master plans.
- (i) *Additional requirements.* If site characteristics indicate that complying with the minimum stormwater management requirements of this section will not provide adequate designs or protection for local residents, and downstream property, it shall be the site designer's responsibility to exceed the minimum requirements as necessary.
- (j) *Exempt activities.* The following activities are exempt from the requirements of section 27-22(g). However, any restrictions upon building location, drainageways, pavement, or other built-upon area, or any other matter appearing on any previously approved development plan covering the subject property, shall be complied with unless and until replaced by an approved revised plan.
 - (1) Individual single-family housing on an individual lot.
 - (2) Replacement of existing built-upon area with like or lesser amount of new built-upon at the same location, or at a different location on the same zone lot if the enforcement officer has determined that equal or improved stormwater management will result.
 - (3) Placement of small accessory buildings or structures or small amounts of additional built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet.

(Ord. No. 99-35, § 1, 3-16-99; Ord. No. 00-54, § 1, 4-4-00; Ord. No. 01-79, § 2, 4-3-01)

Editor's note: Section 2 of Ord. No. 00-54, adopted April 4, 2000, in part, provided as follows:

"Property covered by one or more of the following will be exempt from this ordinance [Ord. No. 00-54]:

1. Unified Development Plan approved prior to April 4, 2000.
2. Preliminary Subdivision Plat approved between July 1, 1997 and April 4, 2000 or covered by an earlier preliminary plat that remained valid (refer to Section[s] 30-6-7.8 and 30-6-12) at any time during this period. This exemption also applies to the placement of one principal building and accessory structures on each lot.
3. Site plan approved between July 1, 1997 and April 4, 2000 or covered by an earlier site plan that remained valid (refer to Section 30-3-11.4(F)) at any time during this period.

Secs. 27-23--27-30. Reserved.

ARTICLE III. ILLICIT DISCHARGES AND IMPROPER DISPOSAL

Sec. 27-31. Prohibited discharges.

(a) *Illicit connections.*

- (1) It shall be unlawful to use any stream or watercourse to carry off water from any kitchen sink, bathtub or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial or institutional process, including uncontaminated water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state and federal permits. (Section 18-5(e))
- (2) Street and utility construction.
 - a. Plans. When required, street and utility construction plans for all public or private street and water, sanitary sewer, and storm sewer facilities shall be submitted to the city following conditional approval or approval of the site plan. For each phase of the site plan, street and utility construction plans shall include all improvements lying within or adjacent to that phase and all water, sanitary sewer, and storm sewer lines lying outside that phase and being required to serve that phase.
 - b. No construction without plan approval. None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the city.
 - c. Inspections. Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the city. (Ref: Section 30-3-11.3(A)(B)(C))
- (3) It shall be unlawful, wilfully or negligently to injure, deface, mutilate, destroy, tamper or interfere with any city-owned property or any property used in the city's water, sanitary sewer or storm sewer, police or fire alarm system. (Ref: Section 18-2)
- (4) In accordance with city policy permits shall be required before the construction of any connection to the municipal separate storm sewer. (See City of Greensboro's Roadway and Utility Design Manual)

(b) *Improper disposal.* It shall be unlawful for any person to discharge non-storm water to any storm water conveyance with the exception of the following:

- (1) Water line flushing;
- (2) Diverted stream flows;
- (3) Rising ground waters;
- (4) Uncontaminated ground water infiltration (as defined at 40 CFR

35.2005(20)) to separate storm sewers;

- (5) Uncontaminated pumped ground water discharges from potable water sources;
- (6) Foundation drains;
- (7) Air conditioning condensation;
- (8) Irrigation water;
- (9) Springs;
- (10) Water from crawl space pumps;
- (11) Footing drains;
- (12) Lawn watering;
- (13) Car washing at one's residence, not for hire;
- (14) Flows from riparian habitats and wetlands;
- (15) Dechlorinated swimming pool discharges;
- (16) Street wash waters; and
- (17) Discharges from firefighting.

(c) *Litter and refuse control.*

- (1) It shall be unlawful to throw, place or deposit any refuse in any street, public place, on any private property, or in any conveyance within the city limits, except in garbage cans or garbage receptacles as provided in chapter 25, or as approved by the city manager or his designee. (Ref: Section 25-3(a))
- (2) It shall be unlawful for any person to throw any garbage, peelings or miscellaneous litter upon any of the sidewalks in the city or upon the floors of any churches, public halls, theaters, buses or other public places. It shall be unlawful for any person to place, drop or throw any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers or any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or in any conveyance, or upon the private premises of another without permission of the owner or person in control of such premises, or upon any public property; provided, however, that the provisions of this section do not apply to those materials required to be placed for collection on the grass or park strip by chapter 10 of this Code. (Ref: Section 26-11)

(d) *Organic waste.*

- (1) Loose leaves shall be collected at curbside by city forces from October 1 through the second Wednesday in January. All other times during the year, leaves shall be bagged or containerized in approved receptacles. (Ref: Section 25-32(c))
- (2) It shall be the duty of the property owner to keep leaves that have been piled for fall leaf collection out of the gutter, inlet, catch basin, or side

ditch.

- (3) It shall be unlawful to place stumps or any organic materials on any property, public or private, except in those specific areas designated for such use by the city manager or his representative. (Ref: Section 26-3(b))
- (4) It shall be unlawful to place grass clippings, leaves, tree and shrub clippings, or any other yard wastes in any street, storm drain, stream, storm water conveyance, or any other location where concentrated storm water flows will wash such wastes into the storm sewers.
- (5) No privy, pigpen or stable of any kind shall be permitted to stand so near any stream, ditch, drain, or storm water conveyance of any kind that the droppings therefrom will run into such stream, ditch, drain, or storm water conveyance or in any way poison or contaminate the water therein; nor shall the urine from any privy be allowed to fall or be emptied into any stream, ditch, drain, or storm water conveyance. (Ref: Section 18-5(d))
- (6) Every owner and/or person in possession of any premises across through which any stream or open ditch runs, or on which any body of water is impounded, shall keep the banks and edges of the stream, ditch or body of water free and clear of accumulations of debris which might block, hinder, or obstruct the natural flow of water in swales, streams, creeks, surface waters, ditches, or drains, to the extent that standing water is created on the premises.

(Ord. No. 94-22, § 1, 5-2-94; Ord. No. 00-225, § 2, 12-5-00)

Sec. 27-32. Spill response.

- (a) *Purpose and authority.* The Greensboro Fire Chief or his designee shall have the authority to summarily abate, control and contain hazardous materials which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment. The fire chief or his designee shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The fire chief or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials which are emitted into the environment. (Ref: Section 10-30)
- (b) *Responsibility; fees and charges.* The property owner and/or the person exercising control over the hazardous materials that create the hazardous material emergency shall be held financially liable for the response, control, containment, equipment, and materials costs incurred by the city fire department during the emergency. The property owner and/or person exercising control over such hazardous material, may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. The City of Greensboro shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:
 - (1) Informing fire department personnel of all matters pertaining to the incident;

- (2) Supplying emergency response plan information for the site;
- (3) Supplying emergency response equipment, personnel and materials.

The city will charge for abatement, control and containment of hazardous material responses or fire incidents involving hazardous materials which accrue more than one hundred dollars (\$100.00) in charges. In all cases the first one hundred dollars (\$100.00) of expenses shall not be charged to the person in default.

Charges for hazardous materials emergency response on behalf of the city by the fire department shall be based upon the following schedule:

- (1) Engine response shall be one hundred dollars (\$100.00) for each hour, or any part thereof.
- (2) Additional engine response shall be one hundred dollars (\$100.00) for each hour, or any part thereof.
- (3) Hazardous materials unit response shall be one hundred seventy-five dollars (\$175.00) for the initial hour, or any part thereof, and one hundred dollars (\$100.00) for each additional hour, or any part thereof.
- (4) Ladder truck response shall be fifty dollars (\$50.00) for each hour, or any part thereof.
- (5) Squad truck response shall be fifty dollars (\$50.00) for each hour, or any part thereof.
- (6) Battalion chief response shall be no charge for the initial hour, twenty-five dollars (\$25.00) for each additional hour or any part thereof.
- (7) Any other actual costs of abatement, control and containment of the hazardous materials other than set out above.

Failure to pay the charges as assessed shall give the city a right to levy a lien upon the land or the premises where the hazardous material emergency arose and the levy shall be collected in the same manner as unpaid taxes pursuant to the authority of N.C.G.S. 160-A 193. (Ref: Section 10-31)

- (c) *Fire incidents involving hazardous materials.* In fire incidents that involve hazardous materials or an exposure to hazardous materials, no fee will be assessed for resources normally associated with firefighting operations. Fees shall be assessed for those activities and resources (reference section 10-31) associated with the abatement, control and containment of the hazardous materials involvement or exposure which accrues more than one hundred dollars (\$100.00) in charges. (Ref: Section 10-32)

(Ord. No. 94-22, § 1, 5-2-94)

Secs. 27-33--27-40. Reserved.

ARTICLE IV. INDUSTRIAL AND RELATED FACILITIES

Sec. 27-41. Review of storm water pollution prevention plans.

The city may review the storm water pollution prevention plans required under a facility's NPDES storm water discharge permit when outfall monitoring or the illicit discharge/improper disposal program locates a suspected violator.

(Ord. No. 94-22, § 1, 5-2-94)

Secs. 27-42--27-45. Reserved.

ARTICLE V. CONSTRUCTION SITE RUNOFF

Sec. 27-46. Self inspection records.

The city's manager or his designee may review on request the self-inspection record required for sites with land-disturbing activity greater than five (5) acres. Site operators who do not supply the requested information shall be reported to DEM for permit noncompliance.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-47. Runoff control structures.

Runoff control structures shall be constructed and maintained according to the specifications in the development ordinance (Chapter 30) and the North Carolina Erosion and Sediment Control Planning and Design Manual.

(Ord. No. 94-22, § 1, 5-2-94)

Secs. 27-48--27-50. Reserved.

ARTICLE VI. ENFORCEMENT

Sec. 27-51. Violations.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this article and by state law:

- (1) Development without permit. To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this chapter without all required permits, certificates, or other forms of authorization as set forth in this chapter.
- (2) Development inconsistent with permit. To engage in any development, use, construction remodeling or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.
- (3) Violation by act or omission. To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the city council or its agent boards upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or

improvements thereon.

- (4) Use in violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this chapter or any other regulation made under the authority conferred thereby.
- (5) Continuing a violation. To continue any of the above violations is a separate and distinct offense each day.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-52. Civil penalties.

(a) *Illicit connections.*

- (1) Any person who is found responsible for an illicit connection shall receive a notice of violation when the connection is discovered. The person shall have thirty (30) days to remove the connection. At the end of that time if the connection has not been removed, the city may enter the property and take measures necessary to remove the connection and perform whatever cleanup or abatement is necessary. If the person fails to remove the connection in the time prescribed, the city may petition the superior court of justice, for the issuance of an injunction to compel removal and payment; however, removal of the illicit connection shall be immediate upon the determination of the storm water services division that the connection poses an imminent threat to public health.
- (2) If any person who previously has been found to have an illicit connection reconnects to the municipal separate storm sewer, he shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). The penalty shall increase by twenty-five percent (25%) of the previous penalty amount for every subsequent illicit connection made by the same person. The penalty shall be additional to the cost of cleanup and abatement. If the person has or is required to have a storm water discharge permit from the state division of environmental management, the city shall alert the appropriate state authorities of the violation. In determining the amount of the penalty the city manager or his designee shall consider the following:
 - a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
 - b. The duration and gravity of the violation;
 - c. The effect on ground or surface water quality or on air quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The prior record of the violator in complying or failing to comply with the storm water quality management program; and

h. The costs of enforcement to the City of Greensboro.

(b) *Improper disposal.*

(1) Process wastewater. Any person who is found to have improperly disposed of process wastewater to the municipal separate storm sewer shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- h. The costs of enforcement to the City of Greensboro.

(2) Bulk sales. Any person who is found to have improperly disposed of any substance that was purchased at a bulk sales location which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- h. The cost of enforcement to the City of Greensboro.

(3) Household products. Any person who is found to have improperly disposed of any substance that was purchased over-the-counter for

household, in quantities considered normal for household purposes, which, upon discharge to the municipal separate storm sewer system or drainage network, would have an adverse impact on water quality or cause the city to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00). In determining the amount of the civil penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- h. The costs of enforcement to the City of Greensboro.

- (4) Yard waste. Any person who is found to have improperly disposed of leaves, grass clippings, or other yard wastes shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00). In determining the amount of the penalty the city manager or his designee shall consider the following:

- a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b. The duration and gravity of the violation;
- c. The effect on ground or surface water quality or on air quality;
- d. The cost of rectifying the damage;
- e. The amount of money saved by noncompliance;
- f. Whether the violation was committed willfully or intentionally;
- g. The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- h. The costs of enforcement to the City of Greensboro.

- (5) Repeat violation. If a person is found to be responsible for more than one (1) instance of improper disposal, the penalty shall increase by twenty-five percent (25%) of the previous penalty amount for each subsequent improper disposal. The penalties shall be additional to the cost of clean-up and abatement.

- (6) Watershed areas. The penalty assessed for any of the above violations

shall be increased by twenty-five percent (25%) of the amount assessed if it occurs in any designated water-supply watershed area.

- (7) Failure to report. The penalty assessed for any of the above violations shall be increased by twenty-five percent (25%) of the amount assessed for any spill not properly reported by the violator once he has knowledge of the violation.
- (c) In the event there are subsequent penalties assessed by the state against the city for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system as identified in Section 27-52 (a) and (b), caused by any person, such person shall be assessed the equivalent amount of civil penalty.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-53. Public nuisances.

- (a) *Nuisances.* The following enumerated and described conditions are found, deemed and declare to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. The natural conditions on lands dedicated to and/or accepted by the city as natural stream corridors, floodplain and/or open space which are established in order to preserve natural greenways, vegetative stream buffers, and/or natural connecting networks along floodways, streams, and creeks are deemed and declared as exceptions for the purpose of enforcement of this article.
 - (1) Any condition which constitutes a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.
 - (2) A place of dense growth of weeds or other noxious vegetation over twelve (12) inches in height.
 - (3) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
 - (4) An open place of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind.
 - (5) Hides, dried or green, provided the same may be kept when thoroughly cured and odorless.
 - (6) Any furniture, appliances, or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
 - (7) Any condition which blocks, hinders, or obstructs in any way the natural flow of water in swales, streams, creeks, surface waters, ditches, or drains, to the extent that standing water is created on the premises. (Ref. Section 17-1(1)(3)(4)(6)(7)).

- (b) *Notice to abate; emergency abatement by city.* If any person shall violate the provisions of section 17-1, it shall be the duty of the city manager or his designee to give notice to the owner or to any person in possession of the subject property, as provided by section 17-3, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice; provided, that if, in the opinion of the city manager or his designee, the unlawful condition is such that it is of imminent danger or peril to the public, then an authorized public works representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property as is provided in section 17-5 (Ref: Section 17-2)
- (c) *Abatement by city where owner fails to abate.* Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon within the time prescribed by section 17-2, it shall be the duty of an authorized public works representative to cause the removal and abatement of such unlawful condition therefrom pursuant to section 17-5(a)).

(Ord. No. 94-22, § 1, 5-2-94; Ord. No. 00-225, § 3, 12-5-00)

Sec. 27-54. Remedies.

Any or all of the following procedures may be used to enforce the provisions of this chapter:

- (1) *Injunction.* Any violation of this chapter or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.
- (2) *Civil penalties.* Any person who violates any provision of this chapter shall be subject to the assessment of a civil penalty under the procedures provided in section 27-52 (Civil Penalties).
- (3) *Denial of permit.* The city manager or his designee shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this chapter, or of a condition or qualification of a permit, certificate, or other authorization previously granted.
- (4) *Conditional permit or temporary certificate.* The city manager or his designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate government authority.
- (5) *Revocation of permit.* The city manager or his designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.

- (6) *Criminal penalties.* Any violation of this chapter shall be a misdemeanor or infraction as provided by NCGS 14-4. Each violation shall be subject to a fine not to exceed five hundred dollars (\$500.00).
- (7) *Notification of the state enforcement officials.*
 - a. Industrial and related facilities. When a city manager or his designee discovers an apparent violation of an industrial or related facility's NPDES storm water discharge permit or that the facility is not operating pursuant to its storm water pollution prevention plan, the city shall notify the appropriate state officials immediately.
 - b. Construction sites. If the city manager or his designee discovers an apparent violation of the NPDES storm water discharge permit required by the state for sites with land-disturbing activity greater than five (5) acres, he shall report the violation immediately to the appropriate state officials.
 - c. Abatement. When the discharge from the facility interferes significantly with the municipal separate storm sewer, and the facility fails to take appropriate actions upon notification by the city, the city may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.
- (8) *Judicial enforcement.* When any person is in violation of the provisions of this chapter, the city manager or his designee, through the city attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction which restrains or compels the activities in question.

(Ord. No. 94-22, § 1, 5-2-94)

Secs. 27-55--27-60. Reserved.

ARTICLE VII. APPEALS

Sec. 27-61. Appeal hearing.

- (a) Any person assessed a civil penalty under this chapter shall have the right to a hearing before the storm water services division upon making a written demand to the division specifying the issues to be contested, within thirty (30) days following receipt of the assessment.
- (b) Unless such written demand is made within the time specified herein, the action shall be final and binding.
- (c) The storm water services division shall make a final decision on the contested penalty within thirty (30) days of the receipt of the written demand for a hearing.
- (d) The storm water services division shall transmit a copy of the decision by registered or certified mail.
- (e) The decision of the storm water services division shall be considered the final

administrative action for the purposes of judicial review.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-62. Judicial review.

Any person may seek judicial review of a final administrative decision by the storm water services division by filing a petition for writ of certiorari within thirty (30) days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County and with a copy to the City of Greensboro.

(Ord. No. 94-22, § 1, 5-2-94)

Secs. 27-63--27-65. Reserved.

ARTICLE VIII. SERVICE CHARGES AND RATES

Sec. 27-66. Definitions for rate calculations.

[The following definitions shall apply concerning rate calculations:]

Equivalent residential unit (ERU) two thousand five hundred forty-three (2,543) square feet of impervious surface.

Impervious surface. An area composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious area shall include but is not limited to roofs, decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, crushed stone and gravel surfaces.

Other property unit. A parcel of land that is not a single-family residential unit.

Single-family residential unit. A building detached from other structures used as a residence for four (4) or fewer family units.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-67. Purpose of service charge.

Storm water management services shall be funded through the operation of a storm water utility, as authorized by state law, and charges shall apply to all property within the city limits, without regard to ownership. Such charges shall be based on the presence of impervious surface on each parcel as determined by the unit standard set forth in section 27-66. The city shall set a base rate for single-family residential units and calculate charges for other property units utilizing the equivalent residential unit as a multiplier.

(Ord. No. 94-22, § 1, 5-2-94)

Sec. 27-68. Rate for service charges.

- (a) Single-family residential unit shall pay a flat rate service charge of two dollars and forty-four cents (\$2.44) per month.

- (b) Other property shall pay a service charge of two dollars and forty-four cents (\$2.44) per month for each equivalent residential [unit] or portion of an equivalent residential on the parcel. No charge shall be made on parcels with less than six hundred (600) square feet of impervious surface.

(Ord. No. 94-22, § 1, 5-2-94)

ARTICLE IX. ANNEXATION

Sec. 27-69. Annexation of storm water sewers and drainage stems.

Upon annexation of property that includes dedicated public streets containing storm sewers and other such storm water drainage system, such storm sewer systems and features shall become the property of the city without cost to the city and shall be incorporated into the city storm sewer and drainage system as if they were originally constructed by the city.

(Ord. No. 94-22, § 1, 5-2-94)